

CURRAN BEATEN FOR SHEELS, BUT BLOCKS BUDGET

Borough President Forces Delay Until To-day in Midnight Fight.

TOTAL NOT YET KNOWN

Citizens Union Loses Its Mandamus Suit for Education Estimate.

LAST DAY FOR INCREASES

Board of Aldermen and Mayor Can Make Reductions After Oct. 31.

Having failed yesterday to obtain a writ of mandamus compelling the Tammany majority of the Board of Estimate to consider the Board of Education appropriation requests "on their merits," Henry H. Curran, succeeded at a midnight meeting of the Board of Estimate in forcing a recess of the board until this afternoon without action upon adoption of a proposed budget for 1921.

The Borough President's fight blocked an effort, led by Comptroller Charles L. Craig, to adopt a proposed budget the total of whose millions apparently was unknown even to the Comptroller himself. Curran contended that not knowing the total or what comprised it, the board had nothing before it and that the whole procedure was "a Gilbert and Sullivan farce without the humor."

The charter requires that the Board of Estimate adopt a proposed budget "on or before October 31," which action fixes the maximum total to which the budget may run, though the board has the power to make reductions after October 31, when it must adopt its final budget proposal for submission to the Board of Aldermen. The board's committee on finance and budget completed its additions to the tentative budget early last night, and a meeting of the board was called for 11:30 last night to adopt the proposed budget, with changes recommended by the committee.

Total Not Yet Completed.

When the board convened Comptroller Craig moved to lay over until to-day the proposed budget, as constituted by the total of \$361,548,913.34 arrived at by the committee last Saturday, plus additions made by the committee on Monday and yesterday. The Comptroller laid his motion in that form because his accountants had not had time to compute the total created by the additions of the last two days.

Curran insisted on knowing the total of the proposed budget, and when it was not forthcoming denounced the action the board was asked to take as a "solemn farce," and refused to go on record as submitting to the people of New York a budget whose total the Board of Estimate did not know. Being ignorant of the total, he said, the board had nothing before it and asked an adjournment on a point of order to that effect.

Maurice E. Connolly, Borough President of Queens, insisted that the total was ascertainable from the minutes of the committee meeting and, therefore, constructively in the possession of the board. Mr. Curran insisted upon an adjournment for the reason that the submission of the Comptroller's motion for a vote would place the proposed budget before the board.

The Comptroller then moved to strike out the additions made in committee during the last two days and place before the board a proposed budget whose total would be the annual committee figures of last Saturday.

"That motion," declared Mr. Curran, "is a clumsy but effective way of striking from the proposed budget every addition except those to the Finance Department of which the Comptroller is the head. I insist that there is nothing before us on which the board can act. I do not think that the Mayor wishes to add himself to a burlesque of this sort. I demand a ruling on my point."

It was not until Mr. Curran insisted for the fourth time upon a ruling that the Mayor consented himself and ruled the point out of order.

Mr. Craig then moved to lay over both previous motions until to-day. When the Mayor finally put the Comptroller's last motion P. H. La Guardia, President of the Board of Aldermen, lined up with his Republican colleagues. His and Mr. Curran's total of five votes deprived the Tammany majority of the necessary twelve for favorable action.

"If this budget is not ready within the time limit we may as well let the public know it," said Mr. La Guardia.

Tammany Tactics Used.

The Tammany majority next resorted to the tactic of ten days ago, when Mr. Curran blocked adoption of the tentative budget and effected adjournment at midnight until 12:02, which, being another day, would permit of the proposed budget being adopted with nine votes instead of twelve. Curran and La Guardia were not to have been able to prevent that total vote.

Upon reconvening five minutes later the Comptroller moved to strike from the proposed budget all additions made in committee during the last two days.

Curran and La Guardia made such a protest against this, however, that the Comptroller finally conceded that "the Borough President is entitled to have this motion clearly before him," and moved a recess until 4 o'clock this afternoon, which motion prevailed.

"I am glad that the majority of this board was willing to take my advice for once," Mr. Curran said.

The Mayor and President Connolly quickly registered protests that their vote was not influenced by the "advice" of Curran.

Mr. Curran was continually under the fire of the Comptroller in committee yesterday, and was refused permission to submit supplemental budgetary requests. The Comptroller also vetoed against or refused to vote upon all requests of Mr. Curran for his department, with the result, Mr. Curran said, that his department will not have enough money to be run properly.

In declining to grant the writ of mandamus asked by Walter Frank, a citizen, backed by Mr. Curran and the Citizens Union, Justice McAvoy of the Supreme Court, said that the majority members of the board had represented that they had given the Board of Education requests adequate consideration and that an order for reconsideration could avail nothing more than a mere review with the same results.

COMMUNIST MEMBERSHIP CAUSE FOR DEPORTATION

Judge Knox of United States Court, Differing From Anderson of Boston, Says Tenets of Organization Are Treasonable.

Membership in the Communist party is sufficient cause for deportation, according to a decision rendered in the United States District Court yesterday by Judge John C. Knox. Judge Knox disagrees with Judge Anderson of Boston, who ruled some time ago that the Government cannot deport an alien merely because he belongs to an organization.

Secretary of Labor Wilson held that Judge Anderson's decision, which has been appealed, applied only to the port of Boston, and ordered immigration authorities at other ports to let deportations continue. Louis F. Post, Assistant Secretary, however, directed Commissioner Frederick A. Wallis of the New York district to send to Boston all deportees of radical belief, thus halting their deportation.

Mr. Post was recently in controversy with the American Legion, which petitioned his removal from office for alleged blocking of deportation proceedings.

Judge Knox's decision was rendered

in the case of Martin Abern, a Rumanian, and accompanied the dismissal of a writ of habeas corpus to prevent Commissioner Wallis from deporting Abern. The latter came to the United States with his parents at the age of 3. He is now 21 and says he is the sole support of his mother.

During the war Abern served a year in prison as a conscientious objector. He was arrested subsequently when a student at the University of Minnesota for lecturing publicly on "Science Is Revolution."

In his disposal of the case Judge Knox granted an extension of bail, so that Abern will not be deported pending his appeal to the higher courts. The decision in part follows:

"I am of the opinion that the manifestoes and programme of the Communist party, together with other exhibits of the case, are of such character as easily to lead a reasonable man to conclude that the purpose of the Communist party is to accomplish its end; namely, the capture and destruction of the State as now constituted by force and violence."

DEEP SEACANAL PROJECT OPPOSED

St. Lawrence Scheme Would Cost Between \$300,000,000 and \$500,000,000.

Arguments in opposition to the project for a deep sea waterway through the St. Lawrence River were heard yesterday before the International Joint Commission which is investigating the project on behalf of the United States and Canada. The hearing was in the rooms of the Chamber of Commerce of the State of New York at 65 Liberty street.

One of the chief business the St. Lawrence canal could expect would be that of grain, and that would be only seasonal. Objection to the canal project on the ground that New York State would be required to pay three times as much per capita as people of the fourteen Western and central Western States who have become interested in the project, was urged by Charles M. Chadwick of the New York Board of Water Supply.

Many more opponents are to be heard to day. The commission will sit in the city to-morrow and will then go to Detroit, Chicago, Minneapolis, Cleveland, Albany, Boston and a number of Canadian cities. An opportunity will be given before the hearings close to permit those who favor the project to speak.

The American members of the commission are former United States Senators Obediah Gardner of Maine and Clarence D. Clark of Wyoming. The Canadian members are Charles A. Macgregor, Henry C. Powell and Sir William Hearst.

GIRL HELD FOR DEATH OF MAN WHO JILTED HER

Shoots When He Gives Order to Leave House.

William Smesky, 23 years old, of 48 Saratoga street, Passaic, N. J., and his fiancée, Miss Mary Reddi, whom he was to have married to-day, is charged with murder in the Bergen County Jail at Hackensack. According to the Passaic police, the girl admitted last night she shot Smesky during a quarrel yesterday afternoon.

Smesky and the girl, a boarder in his mother's home, sat down to lunch yesterday. They began to discuss the preparations for their wedding.

"Don't talk to me about any marriage," she told the police. "I'm never going to marry you. You're being fitted."

Then, say the police, the youth ordered her to leave the house, and she started for a bureau of his sort. "I demand a ruling on my point."

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BURIAL OF WIFE ALIVE SUSPECTED

New Jersey Police Begin Inquiry Into Reported Crime of Manville Citizen.

A story related yesterday to the police of Somerville and New Brunswick, N. J., has resulted in an investigation of the activities of a boarding house keeper who is suspected of having bound and gagged his wife and buried her alive. The suspect lives in Manville.

Mike Cuck, 45 years old, a resident of Manville and a friend of the man under surveillance went to Prosecutor A. M. Beckman of Somerville yesterday with the details of the alleged murder. Later Mr. Beckman said Cuck told him the woman was buried near Manville. She was "frantically beaten" before being dragged into a wooded area, according to Cuck's story. The informant is being held pending an investigation of the case.

Cuck will be taken to Manville this morning and will have an opportunity to point out the place where the woman was buried, according to the prosecutor.

At first his statements were not credited, but he insisted that he knew what he was talking about and went into such minute details as to the attack on the woman that it was decided finally to make a thorough investigation.

Sustains Legislature's Action.

After declaring that the protection of housing and living is within the police power of the State the decision says:

"It remains for the court to consider whether the means adopted by the Legislature are reasonably adapted to the end sought. Until the expiration of a two year period the Legislature has prohibited the ousting of a tenant from his dwelling except in certain prescribed instances."

One of Sheriff Knott's deputies took into custody yesterday at the Hotel McAlpin Earl Emley upon an order by City Court Justice Meyer in connection with a breach of promise of marriage action brought against him by Miss Ardelia Arnold, an artist. She obtained the order upon representations that Emley was about to leave the country for Japan, and he obtained his release immediately by filing a bond for \$1,000.

In her complaint Miss Arnold charges the defendant, who is the inventor of a speed camera, with having promised to marry her. They became engaged, she says, in November, 1918, and he renewed his promise of marriage thereafter upon several occasions. Finally he told her, she adds, that he would not marry her and on September 28 last he married Miss Gloria L. Reed.

Miss Arnold was informed that the defendant intended to dispose of his interest in the Stereoscopic Production Co., and go to Japan. She obtained the civil order of arrest to assure his presence in court when the case is called for trial.

Emley denies her charges.

ROUNDING UP BOWERY GANG THAT BEAT COP

Police Hold One as Assailant of Breeves.

A roundup has been begun in the Fifth street police precinct for the gang of thugs who severely beat Patrolman Frederick Breeves of that station, while he was on post in Stanton street, between Chrystie street and the Bowery, yesterday morning. The officer was discharged from Bellevue Hospital yesterday afternoon, with many bandages about his head and body.

During the fight Breeves' right stick was taken away and one of his assistants drew a revolver. This man was shot by Irving Schaffer, a watchman on duty near by. While Schaffer was calling an ambulance two of the man's confederates carried him away.

Breeves said there were about thirty Italians in the party. Four men were found and questioned, but one of them, Antonio Talbi of 323 Stanton street was held in \$1,000 bail in Essex Market Court. The police said Talbi admitted being a member of the gang, but insisted he had attempted to intervene in Breeves' behalf.

RAIDED ROBBERS' LAIR, STATE POLICE ASSERT

25 Men and Women Battle for Freedom in Westchester.

A raiding party organized at the headquarters of Troop K, State Police, White Plains, surrounded a road house on the Albany Post road near Fishkill Monday night, and breaking down the doors, made arrests which they say will lead to the disorganization of a notorious gang of robbers that has been operating in Westchester county. The raid was the result of a tip given in the discovery that a gunman well known to the New York police is at the head of the Westchester county band. His arrest will follow soon, they say.

Sergeants E. C. Roberts and A. P. Broadfield led the raiders. A fight followed their entrance into the house, twenty-five men and women battling until they were subdued. Thomas Macsott, an ex-prize fighter, alleged to be the owner of the roadhouse, was purchased by the police. He was caught when Vincent Caro, 25 years old, was charged with white slavery after the stories of the women in the place had been heard. More than 100 gallons of "chemical whiskey" were found in the cellar, the police said.

REMEMORANCE TO HALT EVICTIONS

Justice Finch Decides New State Rent Statute Is Constitutional.

POLICE POWER IS USED

Minister Delayed in Seeking to Move Into House He Bought in Brooklyn.

TENANTS' LEAGUE IN RYE

Socialist Aldermen Want Unoccupied Houses on Fifth Ave. Declared Nuisances.

The constitutionality of the provision of the new rent law covering evictions was upheld yesterday on every point by Justice Edward R. Finch in the Supreme Court in The Bronx. The arguments centered about the act which restrains the Supreme Court from considering ejectment proceedings until 1922. Justice Finch declared that in passing the rent laws the Legislature simply was using its police power; that the housing situation following the war amounts to an emergency, and that the new laws were necessary to remedy the unusual conditions.

The case was that of Jacob L. Guttag, landlord, against Henry Schatzkin, a tenant at 1856 Crotona Parkway. Schatzkin's lease expired October 1 and he refused to vacate. The landlord's counsel began proceedings for ejectment and the case finally was heard by Justice Finch on a demurrer filed in behalf of the tenant.

Bernard R. Deutsch, attorney for the landlord, attacking the constitutionality of the new laws, argued that if the Legislature could suspend the ejectment power of the Supreme Court for two years it could as well deprive the court of that power for all time.

Julius Tobias, counsel for the tenant, argued that the right of the Legislature to take such action in an emergency could not be questioned, since the police power of the State to protect its citizens was in the hands of the Legislature.

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Clouds of smoke blocked traffic for forty-five minutes last night in the East Side subway between Grand Central and Fourteenth street. The smoke came from a fire in the underground brick structure at Fourth avenue and Sixteenth street, which houses the power control devices for that section of the subway.

A southbound express ran into the smoke just after it passed the Eighteenth street station soon after 8 o'clock. Guards closed all the windows and the train was backed to Grand Central to discharge the passengers. A northbound express and a local were about to leave when the smoke came out.

Forty-fourth street station closed around the forward cars. The passengers were given block tickets and sent to the street.

The tunnel master at Eighteenth street telephoned to Fire Headquarters, and after power was shut off men descended and soon extinguished the blaze, which was in grease and insulation in the power control structure. Intermittent employees arrived soon after with blowers to clear the subway of smoke.

SHOT ONLY A DEAD MAN, IS PLEA OF GANGSTER

Lewis Fired Bullet Into Smith's Body After Murder.

George Lewis, on trial before Judge Otto Rosinsky in General Sessions for the murder of the reformed gangster, "Tanner" Smith, in the Marginal Club, 154 Eighth avenue, pleaded yesterday that he merely fired a shot into Smith's dead body and did not injure him while he was living. Judge Rosinsky said Lewis' plea was a matter of order in the first degree, but he permitted him to plead guilty to manslaughter in the first degree and remanded him for sentence next Wednesday.

The bullet that killed Smith was fired by "Rubber" Shaw and Lewis and other gangsters who invaded the Marginal Club on July 26, 1919. Shaw later was murdered by gunmen. Lewis on Monday was put on trial for the murder of the third time. The jury at the first trial lost one of its members by death and the second jury disagreed.

Lewis' plea was offered after a conference between George M. Brothers, Assistant District Attorney, and his counsel, Robert Moore.

TELL OF MANIFESTO IN ANARCHISTS' CASE

Witnesses Testify Regarding Red Publication.

Witnesses who testified to the publication of the Communist manifesto in the Fifth avenue trial for July 5, 1919, were heard yesterday in the trial of Charles E. Ruthenberg of Cleveland and Isaac E. Ferguson, a Chicago lawyer, who are charged with criminal anarchy for refusing to renounce their association in the publication of the manifesto. The case is being heard before Supreme Court Justice Weeks. Ferguson is defending himself and his associate, Assistant District Attorney Alexander L. Rorke is prosecuting the case.

Nathan Elkin, the printer of the Revolutionary Age for July 5, testified to the publication of the manifesto in that issue. Other witnesses heard were Ben Fruchter, secretary to the business manager of the publication, and Anna Rubin, stenographer of Maximilian Cohen, executive secretary of the Revolutionary Age. The last of the left wing section of the Communist.

ENRIGHT TRANSFERS FOUR POLICE OFFICIALS

Also Orders Reserves to Do Patrol Duty.

Transfers of several well known police officials were announced yesterday by orders by Richard E. Enright, Police Commissioner.

Capt. Thomas F. Walsh is made Acting Inspector and transferred from command of the Third detective district to the Eighth inspection district, on Staten Island.

Inspector Thomas F. Dwyer is transferred from command of the Eighth district to command of the Police Reserves.

Capt. August Kuhse is transferred from command of the Seventeenth precinct, in Bath Beach, to command of the Twenty-ninth precinct, in East Fifty-first street.

Lieut. E. L. B. Vondrasek, head of the eligible list for promotion, was made Acting Captain and sent to command the Seventeenth precinct.

The Commissioner's order also notified precinct commanders that members of the Police Reserve must do one four hour tour of patrol duty each week.

POLICE UNPREPARED FOR CARUSO GEM TRIAL

Toback, the Prisoner, Sued by Two Women.

Although another postponement was fought vigorously by counsel, the case of Henry C. Toback, arrested in connection with the theft of the Caruso jewels, was put over until to-morrow at a hearing yesterday in West Side Court. Magistrate Ten Eyck wished to know that detectives wished for more time to get evidence in shape before the case was argued.

Mrs. Caruso appeared in court in response to a subpoena and expressed some annoyance when the postponement was taken. She appeared to be amused by the proceedings generally.

Toback's mother and brother, Abraham, were in court. Toback said he was happy and had full confidence that he would be released after to-morrow's hearing. As he was leaving the court he was surrounded by a mob of reporters with cameras and flashlights, and he refused to vacate. The landlord's counsel began proceedings for ejectment and the case finally was heard by Justice Finch on a demurrer filed in behalf of the tenant.

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NASSAU GAMBLERS ARE PANIC STRICKEN

Fear Men Who Win Clemency Will 'Give Up' to Grand Jury.

WEEKS VISITS BROOKLYN

It Is Believed He Sought Further Graft Evidence in Kings County.

Gamblers and politicians of Nassau county were in a state bordering on panic yesterday as a result of the light sentences meted out on Monday to David Gideon, William H. Busted and the other convicted gamblers by Justice Townsend Scudder in Mineola. All fear Townsend Scudder in Mineola. All fear Townsend Scudder in Mineola. All fear Townsend Scudder in Mineola.

The handling of subpenas to Gideon and Busted after they had been sentenced, did not come as a surprise to persons who have been following closely the effort of Mr. Weeks to rid Nassau county of the gamblers and to break up the gambling ring, which is said to include several prominent politicians and at least two men holding public office in the county. These persons feel the District Attorney hopes to "sweep out" Gideon, Busted and the others before the Grand Jury. If either of the two aged gamblers should begin to talk, it is thought, three and possibly more prominent persons are certain to be indicted.

The remarks of Justice Scudder in sentencing John Shaughnessy also were considered significant. The jurist's assertion that he "suppressed" Shaughnessy had kept a promise made earlier in the investigation was interpreted to mean he had told more than Mr. Weeks was ready to admit. It is felt Shaughnessy had revealed the identity of "friends" other than Thomas Nelligan, Wilson Mizer and John A. Jordan, for whom he purchased the Lynbrook house, but who were silent partners in the enterprise.

SHIPERS PAY \$47,000 BONUS; VESSEL TO SAIL

Owner Held Protested on Rate and Held Up Freighter.

At a meeting yesterday of 150 of the 400 shippers interested in the cargo loaded on the freighter Manitowoc on September 27, it was decided to pay \$47,000 and furnish a bond for \$25,000 in addition to the \$45,000 agreed to by the owners in order to have the ship moved quickly. The Manitowoc was to have made the trip to Havana for \$45,000, paid by the Sun Shipping Company through the Midland Fuel Company, the original charterer. The owner, the Foreign Transport and Mercantile Corporation, however, decided not to accept the original rate. The testimony showed that the meeting was presided over by Robert S. Erskine of the International Harvester Company.

Wife and Daughter to Have Portion of \$600,000 Estate.

Mrs. Elizabeth H. Powers, wife of Jesse M. Powers, 2d, of 34 Mount Morris Park West, won a separation decree yesterday before Supreme Court Justice Newburger. The testimony showed that Powers was one of several heirs to a fortune left by his father, estimated at \$600,000, and the Court suggested that the attorney agree upon an allowance for the wife and her daughter, Helen, the Millie Powers.

Mrs. Powers testified that her husband received \$5,000 a year as a salesman at the time they were married. After he lost this position he did not work long at any place, she said. Finally he took their daughter away, and she found her and Mr. Powers living in a furnished room. Mrs. Powers took the girl home with her. Since 1916, she added, her husband has not supported her adequately.

Isaac Allerton—A Pioneer of Service

THIS is the 300th anniversary of the landing of Isaac Allerton on Plymouth Rock.

Allerton House, named in his honor, is built on the cornerstone of service to the community. It is ruled by the same honesty of purpose that ruled the acts of the pioneer Allerton, a governor of Plymouth Colony, and the leading merchant in New Amsterdam.

Allerton House serves the community by providing men with a residence they are proud to speak of as their home.

The newness of the Allerton Group at 35th Street and Madison Avenue, designed by Arthur Loomis Harmon, will be ready for occupancy December 1st.

WELTING MOTOR COMPANY 125 BROADWAY, NEW YORK CITY